IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.240 OF 2003

Mr. Sanjeev Nayar ..Petitioner

M/s. Harshad Arts Pvt. Ltd.
Proprietor of M/s. Surya Packaging ..Respondents

Mr. Vishal Phal i/b Mr. H.R. Phal
for the Petitioner

CORAM : ANOOP V. MOHTA,J.

DATED : 13th July, 2007

P.C.

The petitioner has invoked section 433 and 434 of the Companies Act as the Respondent company failed to make the payment of sum of Rs. 3,32,887/- being the amount towards the supply of various chemicals. There was no reply to the statutory notice which was duly served.

2. The Petitioner, therefore, has filed the present petition. On 8-10-2003 considering the above facts this Court had admitted the petition and directed to comply with all the formalities of advertisement.

3. Affidavit of service dated 10-2-2004 and

19-8-2005 is on the record.

4. None appeared for the respondent company though served. In the result the averments made in the Petition as well as in the statutory notice remain uncontroverted. The claim is within limitation. Taking all this into account the Petitioner has made out the case as prayed.

5. Resultantly, the petition is allowed in terms of prayer clause (a) &(b). The concerned parties to take steps in accordance with law.

(ANOOP V. MOHTA, J)